



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

February 13, 2013

Mr. Robert R. Fancher
Fancher Land Investments, LLC.
P.O. Box 1245
Moses Lake, WA 98837

Dear Mr. Fancher:

Re: Application for Change/Transfer under Ground Water Certificate No. 399-A(A)

On December 31, 2012, our office received from the Grant County Water Conservancy Board a Record of Decision and Report of Examination for the above referenced application for change/transfer of a water right certificate. In accordance with RCW 90.80.080 the Department of Ecology (Ecology) has reviewed the Record of Decision and Report of Examination and has considered all comments, protests, objections, and other relevant information submitted to the Department regarding the proposed change/transfer.

The Department has **modified** the decision of the Board and the proposed change/transfer of water right is **approved** under the following conditions:

Summary of Ecology's Final Order

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
	800	296.1	Continuous Industrial supply				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
One (1) Well							
AT A POINT LOCATED:	¼	¼	SECTION	TOWNSHIP	RANGE	WRIA	COUNTY
Well # 1	NW¼	SW¼	20	19 N	29 E	41	Grant
(Parcel # 110069478)							
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
Within Portions of Sections 19, 20, 29, 30, and 32 all in T. 19 N., R. 29 E.W.M., Grant County Washington							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP	RANGE		
				19 N	29 E		

On page 4 of the Report of examination under the heading **"Proposed project plans and specifications"** the first paragraph reads: "Upon formal action by the GC WCB on the



application for the transfer of Certificate 399-A(A) Fancher will formally assign the Certificate to Central Terminals LLC, of which Fancher's one of the principle owners."

Ecology deletes this paragraph because the Grant County Water Conservancy Board's decision is only a recommendation to Ecology. Ecology does not assign Certificates of Water Rights.

On page 4 of the Report of Examination under the heading "Proposed project plans and specifications" the second paragraph reads: "Central Terminals project is a Reverse Osmosis (RO) facility which will provide industrial water supplies to clients that have existing or future operations located within the land area identified above. Waste water from the RO will be managed by commingling water from existing Artificially Stored Ground Water (ASGW) permits via land application at agronomic rates. The area of land application will be a licensed waste management facility monitored by Ecology's Waste Management Department. Although no other users outside of the proposed designated place of use are anticipated at this point in time, if additional industrial water users in the Wheeler corridor materialize an application to amend the place of use will need to be submitted." **Ecology deletes this paragraph to be consistent with QB-1579. The only allowed use under this change/transfer is for industrial use. The applicant cannot perfect the changed/transferred water right by exercising the authorized "Industrial Use" for crop irrigation or for municipal use. The Reverse Osmosis (RO) facility is the proposed project under this Application for Change/Transfer and is considered a fixed and determined plan.**

On page 5 of the Report of Examination under the heading "Other water rights appurtenant to the property" the last sentence of the first paragraph reads: "Both Certificate 399-A(A) and QB-1579 will be perfected by separately metering supply source to and from the RO facility to individual clients." **Ecology modifies this sentence to read: Both Certificate 399-A(A) and QB-1579 will be perfected by separately metering the supply source(s) to and from the RO facility, but also individual metering of service connections to customers being served "state" industrial water under 399-A(A).**

On page 5 of the Report of Examination under the heading "Other water rights appurtenant to the property" the last sentence of the last paragraph reads: "The individual water supplies provided under 399-A(A) and QB-1579 will be provided clients by separate metering to and from the RO facility." **Ecology deletes this sentence. *See above.**

On page 5 of the Report of Examination under the heading "Consumptive use Efficiency" the second sentence of the first paragraph reads: "The GCWCB reviewed the above ground sprinklers used with the pivot and end gun irrigation system and determined a Consumptive Use efficiency of 95% as delineated in the November 29-30, 2004 Workshop sponsored by Ecology and Recommendations to the Water Conservancy Boards, and Ecology's Water Resources Program Guidance memo dated October 11, 2005." **Ecology modifies this paragraph to read: The GCWCB reviewed the above**

ground sprinklers used with the pivot and end gun irrigation system and determined a Consumptive Use efficiency of 95% as delineated in Ecology's Water Resources Program Guidance document dated October 11, 2005.

On page 7 of the Report of Examination under the heading "**Decision**" the third sentence of the first paragraph reads: "Certificate 1714-A will remain in place and continue to use the replacement well as its source of ground water for the seasonal irrigation of 35.4 acres." **Ecology modifies this sentence to read: Certificate 1747-A will remain in place and continue to use the replacement well as its source of ground water for the seasonal irrigation of 35.4 acres.**

On page 7 and continued on page 8 of the Report of Examination under the heading "**PROVISIONS**" and "**Conditions and limitations**" the following provisions shall be included:

- *Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.*
- *An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.*
- *The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".*
- *Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.*
- *Installation and maintenance of an access port as described in Ground Water Bulletin No. 1 is required. An airline and gauge may be installed in addition to the access port.*
- *All water wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).*

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- *A well log of the completed well shall be submitted by the driller to the Department of Ecology within thirty (30) days of completion of this well. This well log shall be complete and all information concerning the static water level in the completed well in addition to any pump test data shall be submitted as it is obtained.*

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do the following within 30 days of the date of receipt of this document:


- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

*For additional information visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State
Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.*

DATED this 13th day of February, 2013 at Spokane, Washington.



Keith L. Stoffel
Section Manager
Water Resources Program
Eastern Regional Office

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KLS:HS:ka

Enclosures: Your Right to Be Heard
Form 1—Measuring Device Information
Water Use Data Collection Reporting Form

By Certified Mail 7011 3500 0001 8626 3832

cc: Grant County Water Conservancy Board

U.S. Postal Service™

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(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

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Street, Apt. N
or PO Box N
City, State, Z

MR. ROBERT R. FANCHER
FANCHER LAND INVESTMENTS, LLC
P.O. BOX 1245
MOSES LAKE, WA 98837

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. ROBERT R. FANCHER
FANCHER LAND INVESTMENTS, LLC
P.O. BOX 1245
MOSES LAKE, WA 98837

2. Article Number
(Transfer from s)

7011 3500 0001 8626 3832

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Caryn Stroud

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Caryn Stroud

C. Date of Delivery

2-14-13

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If YES, enter delivery address below: ☐ No

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PS Form 3811, February 2004

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